



# Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY  
DOCKET NO. 659

IN THE MATTER  
OF  
LEON HALLE

## DISPOSITION AGREEMENT

This Disposition Agreement is entered into between the State Ethics Commission and Leon Halle pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, §4(j).

On December 19, 2001, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Halle. The Commission has concluded its inquiry and, on April 19, 2002, found reasonable cause to believe that Halle violated G.L. c. 268A, §17.

The Commission and Halle now agree to the following findings of fact and conclusions of law:

### **-Findings of Fact-**

1. Leon Halle has served as a project manager in the New Bedford Building Department since October 1999. Prior to October 1999, Halle worked for the New Bedford Department of Public Works.
2. Halle also surveyed land in his private capacity as an engineer.
3. In or about May 1999, Halle, acting in his private capacity for a New Bedford developer, prepared an as-built foundation plan for 967 Kensington Street. The as-built is dated May 15, 1999.
4. In or about December 2000, Halle prepared for the same New Bedford developer an as-built foundation plan for 961 Kensington Street. That as-built is dated December 9, 2000.
5. Both drawings were submitted to the New Bedford Building Department as part of the developer's building permit applications.

6. Neither Halle's name nor his stamp appears on either of the as-builts submitted to the building department
7. Halle was paid \$175 for each survey, totaling \$350.
8. Prior to preparing the two as-builts, Halle had received advice from the Commission regarding the restrictions imposed on his private activities under §17. He was advised in an October 26, 1989 opinion rendered by the Commission that "§17(a) would prohibit [his] receipt of compensation from a private client for the preparation of plans which will be submitted to the Town planning board." He was further warned in a December 2, 1998 letter from the Commission that "if [he] were to do any surveying work which was used to support an application or otherwise was used in relation to a particular matter before a town board, [he] would be receiving compensation in relation to a particular matter in which the town has a direct and substantial interest, thereby putting [him] in violation of §17."

#### **-Conclusions of Law-**

9. Section 17(a) prohibits a municipal employee from receiving compensation from anyone other than the municipality in relation to a particular matter in which the municipality has a direct and substantial interest.
10. As a New Bedford building department project manager, Halle is a municipal employee.
11. The decision to issue a building permit is a particular matter in which a municipality has a direct and substantial interest.
12. Halle prepared two as-built foundation plans knowing that they would be included in permit applications, and that building permits would not be issued unless and until those as-builts were filed with the city. Accordingly, his preparation of the two as-builts was in relation to the building permit decisions.
13. Halle received, in total, \$350 for preparing the two as-builts.
14. Therefore, by receiving compensation from a developer for preparing drawings to be submitted to the City of New Bedford, specifically the department in which he worked, Halle violated §17(a) on two occasions.

#### **-Resolution-**

In view of the foregoing violation of G.L. c. 268A by Halle, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Halle:

- (1) that Halle pay to the Commission the sum of \$2,000.00 as a civil penalty for violating G.L. c. 268A, §17(a);
- (1) that Halle pay to the Commission the sum of \$350 as a civil forfeiture of the compensation that he received for preparing drawings submitted to the City of New Bedford in violation of §17(a); and
- (3) that he waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

Date: April 23, 2002